

Regarding “Malpractice deals, Taxpayers lose a third to contingency lawyers” (Opinion June 23):

Under the leadership of City Attorney Michael Aguirre, the San Diego City Attorney’s Office continues to have an impressive record of victories in the courtroom.

But due to the “scant” research conducted by the *Union-Tribune*, misinformation is published and perpetuated. So, let’s correct the record.

Since Mr. Aguirre was sworn in, this Office has recovered through litigation more than \$10 million in settlements, judgments, or other recoveries. [This \$10 million is in addition to the \$10.5 contingent fee recovery referenced in your editorial]

The aforementioned \$10 million figure does not include all the victories in the courtroom that have been won through motions and negotiated dismissals, thereby extinguishing more than \$100 million in claims against the City.

The following are just some of the cases that we have successfully litigated:

*DeAnza Cove HOA v. City*: Court rejected plaintiffs’ \$48 million claim for relocation costs, opting instead for a less costly approach.

*Trunk v. City*: The City is no longer a named party in a lawsuit that sought to declare unconstitutional the transfer of the Mt. Soledad Veterans War Memorial to the federal government.

*City v. Metropolitan Correctional Center*: \$807,485 payment to the City for under-billed water fees during 2001-2006.

Furthermore, I have also been personally involved in the following matters in which the City prevailed:

*San Diego POA v. City*: A federal court rejected all remaining claims brought in a lawsuit filed by the San Diego Police Officers’ Association when it granted the City’s motion for summary judgment. Mr. Aguirre has been personally dismissed from all but one of the seven POA lawsuits.

*Nat’l Enterprises v. City; Otay Acquisitions v. City*: The City recovered a combined \$1,261,523.66 in attorney’s fees as a result of prevailing on two lawsuits filed by developer Roque de la Fuente II which were dismissed last year.

*Border Business Park v. City*: The California Court of Appeal overturned a 2001 \$94.5 million verdict against the City which the California Supreme Court declined to change. With court costs, interest, and fees, the original judgment had ballooned to \$150 million. Additionally, the City sued its insurance carrier for failure to provide defense costs. As a result, the carrier has repaid millions to the City for its defense of the case.

I am proud of the City Attorney's Office and the deputy city attorneys who have worked hard to serve the City. The *U-T* should be too!

Don McGrath

Executive Assistant City Attorney

Office of the San Diego City Attorney